

059135

JPRS 82542

28 December 1982

Worldwide Report

LAW OF THE SEA

No. 215

DISTRIBUTION STATEMENT A

Approved for Public Release
Distribution Unlimited

19990810 104

FBIS

FOREIGN BROADCAST INFORMATION SERVICE

REPRODUCED BY
NATIONAL TECHNICAL
INFORMATION SERVICE
U.S. DEPARTMENT OF COMMERCE
SPRINGFIELD, VA. 22161

5
23
A02

NOTE

JPRS publications contain information primarily from foreign newspapers, periodicals and books, but also from news agency transmissions and broadcasts. Materials from foreign-language sources are translated; those from English-language sources are transcribed or reprinted, with the original phrasing and other characteristics retained.

Headlines, editorial reports, and material enclosed in brackets [] are supplied by JPRS. Processing indicators such as [Text] or [Excerpt] in the first line of each item, or following the last line of a brief, indicate how the original information was processed. Where no processing indicator is given, the information was summarized or extracted.

Unfamiliar names rendered phonetically or transliterated are enclosed in parentheses. Words or names preceded by a question mark and enclosed in parentheses were not clear in the original but have been supplied as appropriate in context. Other unattributed parenthetical notes within the body of an item originate with the source. Times within items are as given by source.

The contents of this publication in no way represent the policies, views or attitudes of the U.S. Government.

PROCUREMENT OF PUBLICATIONS

JPRS publications may be ordered from the National Technical Information Service, Springfield, Virginia 22161. In ordering, it is recommended that the JPRS number, title, date and author, if applicable, of publication be cited.

Current JPRS publications are announced in Government Reports Announcements issued semi-monthly by the National Technical Information Service, and are listed in the Monthly Catalog of U.S. Government Publications issued by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Correspondence pertaining to matters other than procurement may be addressed to Joint Publications Research Service, 1000 North Glebe Road, Arlington, Virginia 22201.

28 December 1982

WORLDWIDE REPORT

LAW OF THE SEA

No. 215

CONTENTS

ASIA

INTER-ASIAN AFFAIRS

Kiribati, Japan Break off Talks on New Fishing Agreement (THE NEW ZEALAND HERALD, 3 Nov 82)	1
Koreans Fined for Fishing in New Zealand Waters (THE EVENING POST, 29 Oct 82)	2
Briefs	
Taiwan Boat Released	3

INDIA

Policy Statement on Ocean Resources Reported (THE HINDU, 9 Nov 82)	4
---	---

PAKISTAN

Briefs	
Equitable Rights	5

SRI LANKA

Briefs	
Sea Law Signing Welcomed	6

LATIN AMERICA

JAMAICA

- Government Wants Rockefeller Group To Lobby U.S. on LOS Treaty
(ADVOCATE-NEWS, 6 Nov 82) 7

SUB-SAHARAN AFRICA

INTER-AFRICAN AFFAIRS

- Briefs
Senegalese-Gambian Fishing Agreement 8

SENEGAL

- New Era Said To Be Possibly Starting for Fishing Industry
(Elvalide Seye; LE SOLEIL, 16-17 Oct 82) 9

WEST EUROPE

INTERNATIONAL AFFAIRS

- Dispute Over Quotas Between Denmark, EC Heats Up
(Lennart Weber; AKTUELT, 1 Nov 82) 11
- Paper Urges Parties To Compromise in EC, Danish Feud
(Editorial; BERLINGSKE TIDENDE, 4 Nov 82) 14
- Agreement Between Denmark, FRG Averts Greenland Cod War
(Michael Ehrenreich; BERLINGSKE TIDENDE, 4 Nov 82) 16

ICELAND

- Foreign Minister Backs Proposal To Get Zone Limits Widened
(MORGUNBLADID, 19 Nov 82) 17

KIRIBATI, JAPAN BREAK OFF TALKS ON NEW FISHING AGREEMENT

Auckland THE NEW ZEALAND HERALD in English 3 Nov 82 p 11

[Text]

Kiribati and Japan have broken off talks on a new agreement under which Japanese fishing craft would be allowed to fish in Kiribati's 200-mile economic zone.

The President of Kiribati, Mr Jeremiah Tabai, speaking at the end of a visit to Suva, said talks had broken down at the end of October because of disagreement over fees the Japanese should pay.

A delegation from the Japanese Fishing Association had arrived in Tarawa for negotiations expected to last a week but the breakdown happened on the first day.

Mr Tabai said that under an agreement which expired at the end of October, the Japanese had paid almost \$US1 million (\$NZ1.4 million) to fish in Kiribati waters but this had not been enough in relation to what they had been catching.

Mr Tabai said that Kiribati had not had a fishing agreement with the South Koreans for two years "because we realised we were being squeezed by them."

"We were getting a very small fee in relation to the size of their catches. I don't see any likelihood of a new agreement with them because we are so far apart on terms."

"In the case of the Taiwanese, they simply do not want to talk. We know they are fishing."

Mr Tabai said Kiribati would send representatives to talks in Honolulu this month at which several South Pacific countries would meet representatives of the United States Tuna Boat Owners' Association to discuss terms under which American fishing boats could fish in Kiribati's waters.

In June Mr Tabai's Government protested to the United States Government that American purse seiners were fishing illegally, not only inside the 200-mile zone but in territorial waters. They were landing helicopters on islands without permission.

Mr Tabai said the reply from the Americans restated their view that the 200-mile zone principle did not apply to tuna.

"My personal view is that because of the strong feelings of the South Pacific Forum countries on the issue, the Americans and their fishing boats should be more relaxed in their attitude."

CSO: 5200/9113

KOREANS FINED FOR FISHING IN NEW ZEALAND WATERS

Wellington THE EVENING POST in English 29 Oct 82 p 16

[Text]

A RNZAF ORION used three modern positioning systems to ensure that a Korean boat, the Dong Gin Number NO12, was fishing inside New Zealand's Exclusive Economic Zone, (EEZ) the District Court heard today.

"The three methods could not be in error," Crown prosecutor Mr Jim Larsen said.

Two Korean fishermen, Sil Gun Kim, 37, master, and Chan Il Park, 24, navigator, who yesterday pleaded guilty to fishing in New Zealand waters without a licence, appeared for sentence before Judge H Gilbert today.

Messrs C R Carruthers and T Broadmore appeared for the accused.

Mr Larsen said that on September 30, a RNZAF Orion saw the long-line boat fishing some 154 nautical miles from Raoul Island. It photographed the boat and checked its position, using the three modern systems. The boat was not arrested because it left for American Samoa.

Compass

In explanation, the captain said he used a compass because the electronic equipment on board was old and inoperable. His position was one degree different from that recorded by the Orion, and would have led the master to believe he was 15 miles outside the EEZ.

Mr Larsen emphasised that the obligation was clearly on those responsible for the vessel to avoid breaches of the EEZ act. "The economic stakes are high — the master is liable to a fine of \$100,000 and the consequences of the transgression were known," he said.

Mr Larsen asked that the accused meet the expenses of eight witnesses. Counsel,

Mr Carruthers, said the four main points he wished to make in mitigation were:

- The boat was in New Zealand waters because of a genuine mistake.
- The accused willingly came to New Zealand to face the charges.
- Three vessels from the same company — Koria Wanyang Fisheries had paid the licence fee and were allowed to fish in New Zealand waters, but did not do so.
- The accused Kim was earning \$400 a month and had a wife and child to support. Park was single, earning \$260 a month. The trip was not profitable, and the fishermen would receive no bonus from the catch.

"The navigation system used by the Koreans is an internationally accepted one and not all ships have the sophisticated positioning equipment used by the Orion," Mr Carruthers said.

"They cannot understand how they came to be in the EEZ, but they accept the Orion's record of their position. Being buzzed by an Orion is not an everyday occurrence in the lives of fishermen, and quitting the zone after the event was a predictable reaction.

"Neither the men nor the company have had any previous convictions. They had no reason to break New Zealand regulations, because they could have easily been in the EEZ legitimately through payment of a licence fee," Mr Carruthers said.

Judge H Gilbert fined the master, Sil Gun Kim, \$7500 and ordered him to pay witnesses' expenses of \$1000. The navigator was fined \$1250 and ordered to pay witnesses expenses of \$500.

"It may be considered strange that the crew member made the error of plotting the course when the Orion overflew the ship," Judge Gilbert said.

"The most important mitigating factor is that the accused came voluntarily to New Zealand and pleaded guilty.

INTER-ASIAN AFFAIRS

BRIEFS

TAIWAN BOAT RELEASED--The Taiwanese fishing boat confiscated for fishing inside New Zealand's economic zone earlier this month has been offered back to its owners for \$7500. The Minister of Fisheries, Mr MacIntyre, says the No 51 Feng Yuan will be able to leave Auckland when the fee is paid. The boat's catch of 50 tonnes of fish will also be returned. As agents for the owner, the Wellington-based East Asia Trade Centre Ltd has accepted the offer. Yesterday crew members of the boat, which has been moored at Captain Cook wharf since October 7, thought they might leave Auckland by the end of the week. The \$7500 fee will have to be paid on top of the \$10,000 fine and costs of \$42,600 awarded against the captain of the boat in the Auckland District Court on October 11, when he admitted fishing inside the zone. [Text] [Auckland THE NEW ZEALAND HERALD in English 27 Oct 82 p 3]

CSO: 5200/9113

POLICY STATEMENT ON OCEAN RESOURCES REPORTED

Madras THE HINDU in English 9 Nov 82 p 7

[Text]

NEW DELHI, Nov. 8.

A centralised data system is proposed to be set up by the Department of Ocean Development with proper mechanism for collection, collation and dissemination of information acquired both indigenously and from foreign sources on ocean science and technology.

A data base of this kind is considered necessary to coordinate the efforts of different agencies connected with the exploitation and development of marine resources and environment.

A "ocean policy" statement, laid in Parliament recently, has set out in detail the basic objectives of ocean development and the directions in which the different agencies will be required to work. The policy is considered significant in the context of the pioneer investor status granted to India under the convention of the U.N. conference on the Law of the Seas. This gives India the exclusive right to operate in an area of 1,50,000 square km in the high seas for the recovery and processing of polymetallic nodules.

The main thrust of the ocean policy will be on the optimal use of living resources like fish and sea weeds, exploitation of non-living resources such as hydrocarbons and heavy placer deposits, harnessing of renewable resource of ocean energy from waves, temperature differences in the water column, tidal heights and salinity gradients and the collection and processing of polymetallic nodules from the deep sea.

Main tasks: The policy statement says that the extension of national frontiers of ocean space and the consequent access to new sources of energy, minerals and food, call for great strides in ocean engineering, specially in tasks related to structures, materials, instrumentation, submersibles and systems of propulsion of ships.

The exploitation of natural food resources such as fish and sea weeds, and the generation

of additional food resources by cultivation also need scientific methods of aquaculture and mariculture. To survey and predict the ocean environment, the main tasks necessary among others are mapping, charting, geodesy, ocean dynamics, chemistry and physics of the oceans and seabed mineral mapping. Marine science and technology has to look beyond the current state-of-art to achieve major technological breakthrough in the future.

Besides research and development in basic sciences, the policy envisages survey of the deeper part of the ocean. Detailed survey and sampling in the regions of exclusive economic zone and the adjacent ocean will be necessary to locate and evaluate the rich and economically viable deposits of polymetallic nodules, heavy metals, fossil placers and phosphorite deposits. The gathering of data from surveys should be coordinated and a cost-effective system of integrated surveys estimated.

Indigenous technology: The policy stresses the need for the development of indigenous technology for the exploitation of fish from deeper waters. This means setting up of infrastructure facilities and services to operate large-sized fishing vessels.

An important component of the development programme will be the acquisition of technology. To be self-reliant the policy envisages such technologies to be largely developed, tested and operated indigenously. Technologies relating to instrumentation, diving systems, position fixing and position maintenance, materials development, oceanic data collecting devices, anti-erosion capabilities, submersibles, energy and energy-saving devices are priority items. Several new technologies will have to be commercialised and made cost-effective.

The policy also envisages augmentation of infrastructural support particularly basic facilities like safety and rescue at sea, navigational chains, communication net-works, development of appropriate maps and charts, etc.

PAKISTAN

BRIEFS

EQUITABLE RIGHTS--At the United Nations, Pakistan has called for equitable use of international waters by all riparian states. Speaking on a debate on the report of international law commission in the General Assembly's legal committee, Pakistani delegate Asma Anisa said the exercise of rights by a riparian in its territory should not damage the other. The violation of the rights of a riparian should be adequately compensated. They should be bound legally to settle their disputes peacefully. The Pakistani delegate underscored the need for codification of the law which was of special significance to Pakistan. She regretted that the international law commission had not made any headway in that direction. [Text] [BK221419 Karachi Domestic Service in English 1005 GMT 22 Nov 82]

CSO: 5200/4306

SRI LANKA

BRIEFS

SEA LAW SIGNING WELCOMED--Colombo, 10 Dec (AFP)--President Junius Jayewardene has hailed the law of the sea treaty being signed in Jamaica today as the dawn of a new era of unprecedented international cooperation. He said the treaty was of particular significance to Sri Lanka. The country's territory is now nearly 20 times its land area and 300,000 square miles have been added to its land and seabed areas, giving Sri Lanka control of an off-shore territory 20 times as big as the country's total land area. President Jayewardene said international recognition of Sri Lanka's special claim to its adjacent seabed territory was a significant achievement for the country's foreign policy. Sri Lanka has a special interest in the sea law treaty, as the first chairman of the United Nations Conference on the law of the sea (UNCLOS) was Sri Lanka's ambassador to the UN, the late Hamilton Shirley Amerasing. [Text] [BK101255 Hong Kong AFP in English 1221 GMT 10 Dec 82]

CSO: 5200/4307

GOVERNMENT WANTS ROCKEFELLER GROUP TO LOBBY U.S. ON LOS TREATY

Bridgetown ADVOCATE-NEWS in English 6 Nov 82 p 3

[Text]

KINGSTON, Jamaica, Friday, (CANA) — Jamaica apparently wants American corporate leaders who sit on a committee that promotes the island as investment centre to lobby the Reagan Administration to drop its opposition to the law of the Sea Convention.

The U.S. committee on Jamaica, set up last year by President Reagan, is headed by the influential David Rockefeller, former chairman of Chase Manhattan Bank, who includes a number of chief executives of some of America's largest companies. It met here this week reviewing its performance over the past year and making plans for the future.

According to a brief end of meeting report, among the suggested areas that a local counterpart group urged that it focussed on in the coming year was "support for the Law of the Sea in its recognition of its importance to Jamaica."

The Law of the Sea is to regulate the resources of the

deep seabed through the United Nations system, and the International Seabed Authority (ISA) which will be the functional arm, is to be situated here.

Jamaica sees the establishment of the ISA headquarters here as an opportunity for advancing economic activity.

However, the Reagan Administration is opposed to the treaty in its present form, and said it will not sign it during a ratification session to take place in the Jamaican city of Montego Bay.

The main U.S. grouse is that the U.N. system and a supranational company, to be known as the enterprise, will have too much control in allocating the use of the resources, to the department of private enterprise exploitation and giant American companies who have already invested in deep sea technology.

The Americans are also against the profit and technology sharing arrangements built in the treaty to assist the Third

World.

In its opposition to the Law of the Sea, the United States has been attempting to lobby Western allies to band together for a so-called "mini treaty."

However, Third World Countries have warned that such an arrangement would be illegal and that they would fight it in the international courts.

The following are other areas that the Jamaican counterpart group has asked that the U.S. committee to direct activities to during 1983:

- Support for CBI,
- Address the concerns of the banking community with regard to credit flows to Jamaica,
- Encourage other countries to invest in Jamaica,
- Increased emphasis on investment in agri-business,
- Finalisation of arrangements for USDA inspection and fumigation services in Jamaica.
- Increase technical flows through joint ventures and/or technical assistance.

INTER-AFRICAN AFFAIRS

BRIEFS

SENEGALESE-GAMBIAN FISHING AGREEMENT--Robert Sagna, secretary of state for maritime fishing, and his Gambian counterpart Omar Jallow, minister of natural and water resources, will sign this morning, at the Ministry of Foreign Affairs, a draft agreement on maritime fishing. This draft agreement, already negotiated between our countries, is one of the first concrete results of the recent official and working visit to Senegal by the vice president of Gambia, Bakary Darbo, at the invitation of Prime Minister Habib Thiam. [Text]
[Dakar LE SOLEIL in French 9-10 Oct 82 p 1] 8796

CSO: 5200/4

NEW ERA SAID TO BE POSSIBLY STARTING FOR FISHING INDUSTRY

Dakar LE SOLEIL in French 16-17 Oct 82 p 3

[Article by Cherif Elvalide Seye]

[Excerpt] For the Senegalese fishing industry, this may be the beginning of a new era. The launching of Senegal Seafood, an integrated industrial fishing project, represents a turning point which is going to change the basic elements of the fishing industry. With an average output of nearly 400,000 tons in recent years, the fishing industry has certainly yielded very satisfactory results. Particularly in 1980 the industry was the nation's major source of foreign reserves, ahead of peanuts and phosphates, earning 35.5 billion CFA francs.

But considering its potential, with more than 700 kms of coast on the Atlantic these results are still modest. This is because even 20 years after independence Senegal only controls one sector of the fishing industry, fishing on the style of a cottage industry which still provides 70 percent of the entire output. But this type of fishing has reached its ceiling. The development drive to equip canoes with engines is almost completed. Besides, the infrastructures on land do not allow for higher production than the present one.

Therefore it has become imperative to tackle industrial fishing, a difficult sector controlled by foreigners and requiring large amounts of money. The Senegalese fleet consists of 128 trawlers, 4 tuna boats and 14 sardine boats compared to 44 French tuna boats and 19 Spanish sardine boats.

Now it has been decided to better utilize that sector. Two lines of action will be followed to achieve that end. The first move hinges on maritime credit. That credit will remedy the lack of financial means of the Senegalese people. In this connection, Senegalese citizens have received nearly 1.5 billion CFA francs in loans. The second move is the Senegalese-Danish integrated project. This joint venture company is one of the major fishing projects in the world. In its final phase it will produce 100,000 tons after four successive phases of 25,000 tons each.

The company has a capital of 1.5 billion [CFA francs], Senegalese investors, the state through SOFISEDIT [Senegalese Financial Company for the Development of Industry and Tourism] and the BNDS [Senegal National Development Bank], the

Fund for the Industrialization of Developing Countries and the IDA [International Development Association]--a subsidiary of the World Bank--have interest shares of 15 percent each. The shares held by the latter and by the SOFIDESIT will eventually be ceded back to Senegalese investors. The Danish partners are the companies Lauritsen and Faromar.

Projected investments amount to 4.385 billion CFA francs. Financing will come from the capital loans granted by the international company to the tune of 1,200 billion, by the Fund for the Industrialization of Developing Countries (IFU [expansion unknown]) with 850 million, by the SOFISEDIT and the BNDS with 350 million each and by the SGBS [General Banking Company of Senegal] with 135 million. Initially the project will generate 275 new jobs and will have a turnover of 5.752 billion [CFA francs].

Viability

An experimental phase, which started last January, has shown that the project is viable. It confirmed the existence of large stocks of fish off the coast of Senegal and Mauritania and the possibility of making large catches all year round without endangering the reproduction and growth of the species. But this potential can only be developed under certain conditions. The experimental phase has established the need to have modern vessels equipped with the latest technology to be able to fish all year round. Land infrastructures are also required to deal with the processing, handling, transportation, delivery and marketing. This requires that a reliable freezing plant be available.

Another equally important point made during the experimental phase is the existence of an important market. All West Africa could be targeted. Liberia, the Ivory Coast, Togo, Benin, Nigeria, Cameroon are all countries which import fish. Right now these countries are supplied mainly by Soviet vessels. The experimental phase proved that we could sell at competitive prices. Besides membership to the same economic community--the ECOWAS--and the possibility of cross participation by the marketing bodies of these countries would make Senegalese goods even more desirable. The government is actually trying to negotiate agreements on that basis with these countries.

The big innovation in this project can be found in the sphere of marketing. Until now the Senegalese fishing companies had limited their activities to catching, packaging and selling their fish right in Dakar. With this method of selling FOB in Dakar, these companies had to pay all the overhead expenses and were left with a small profit margin.

Foreign companies, buying FOB in Dakar and reselling CIF in Europe, are pocketing the lion's share and have almost no expenses. For instance, 1 kilo of shrimps sold FOB in Dakar for 1,500 francs brings in for these companies as much as 5,000 or 6,000 francs when sold CIF in Europe. That is where the real profit is. This is why the project includes selling CIF although the initial plan was to sell FOB in Dakar.

8796

CSO: 5200/4

DISPUTE OVER QUOTAS BETWEEN DENMARK, EC HEATS UP

Copenhagen AKTUELT in Danish 1 Nov 82 p 4

[Article by Lennart Weber]

[Text] "I am the victim of some vicious political slander," Foreign Minister Uffe Ellemann-Jensen said yesterday evening after returning from Finland,

On Tuesday Ellemann-Jensen will consult with the EC Committee of parliament. The minister is expected to be in for harsh criticism in connection with the notorious report prepared by experts at the Foreign Ministry.

"It is a report that describes in a detached, legal fashion the situation that will arise if there is no joint fishing policy," Uffe Ellemann-Jensen said.

"It is my duty to present this report to parliament so that the members of parliament will have some basis on which to make their decisions."

"It is totally naive, as I have seen several politicians do, to maintain that I have played into the hands of the other EC countries. Any EC lawyer could have written the report my officials prepared. The other countries know quite well which articles of the EC treaty and which legal decisions are applicable in the absence of a common fishing policy.

"I Will Not Hide"

"I also could have been reproached if I had not presented this report to the EC Committee."

"I will not try to shirk my responsibility and I will not try to hide behind my officials."

Ellemann-Jensen was asked whether or not report expressed the policies of the government.

"It describes a legal situation and being for or against it would be like being for or against two plus two being four."

"The government will take the report into account, but it does not necessarily

express the opinion of the government."

Confused Policy

"The foreign minister's statements show how confused the government's policies are in the area of fishing," Social Democrat Ivar Norgaard said.

"The foreign minister contradicts himself when, on the one hand, he tries to present the report as something objective, which is just as certain as two plus two equals four, and he says, on the other hand, that it does not necessarily express the government's point of view."

"National regulations limiting quantities of fish that may be caught must be approved by the EC Commission. There is reason to believe that the commission will continue to approve national regulations that coincide with the commission's recommendations, according to the controversial report Foreign Minister Uffe Ellemann-Jensen (Liberal Party) sent to the EC Committee of parliament. In summary, the report stresses that the situation for Danish fishing will become especially serious if no agreement is reached with the other EC countries.

The report, which is a "summary of certain legal aspects" of the fishing situation was written by the Foreign Trade Department of the Foreign Ministry. It has been sent to the members of the EC Committee with an accompanying letter from Ellemann-Jensen: "The following report is submitted to inform the members of certain legal consequences that will arise if no joint fishing policy for 1982 is approved."

"This report was written for use by members of the Fisheries Ministry's advisory committee on EC fishing policies."

The letter was signed by Uffe Ellemann-Jensen.

Concerning Danish fishing in the waters of other member nations, it is stated that it must be assumed that the various coastal nations will gain the commission's approval for nondiscriminatory national provisions making it possible to prevent fishing in the waters of the coastal nations by fishermen from countries that already have reached the quotas suggested by the commission. If, for example, Denmark had exceeded the commission's suggested quota for herring in the North Sea, then other member nations could stop Danish fishing in their fishing territories.

Concerning Danish fishing in Danish waters, the report states that, "The legal situation depends on whether or not roll-over arrangements have been made." This means that Denmark will be required to limit its catch to guarantee that the quotas are observed. "Exceeding the quotas proposed for Denmark could be seen by the commission as being in violation of the treaty . . . "

The report also states that, "It is improbable that the tribunal will reverse

the decision on the distribution of quotas that is at the basis of the commission's proposal . . . "

"If no roll-over arrangement is made, fishing must be seen as 'free,' with the significant stipulation that the member nations under all circumstances must do everything necessary to preserve fish populations . . . "

The report makes clear that Danish fishermen have little chance of fishing in the controversial region around the Shetland Islands. It is stated that fishing in this region may require a license and that it will be difficult for Denmark to claim the right to fish in this region.

"In general, it may be said that Denmark will have to present an exceptionally strong case if the commission, supported by most or perhaps all the other member nations, claims that this region fulfils the conditions (for national provisions and, thus, for excluding Danish fishermen--ed.)."

"If the commission approves a unilateral British arrangement, Denmark would turn to the EC tribunal to overturn such an arrangement." Legal proceedings before the EC Tribunal normally take 1 or 2 years. During this period, charges could be brought against Danish fishermen before the EC Tribunal, however, according to the report.

9336
CSO: 5200/2504

PAPER URGES PARTIES TO COMPROMISE IN EC, DANISH FEUD

Copenhagen BERLINGSKE TIDENDE in Danish 4 Nov 82 p 10

[Editorial]

[Text] The strange majority in the EC Committee that does not want to see, hear, or know about the foreign minister's note indicates that Karl Hjortnaes will watch over Denmark's fishing policy forever. While in the government, the Social Democrats had so many misgivings about his narrow-minded collision course that the change in government came as a liberation for them on this point. But the vendetta the Social Democrats, led by former Economy Minister Ivar Norgaard, have directed toward Foreign Minister Ellemann-Jensen because of his note could indicate that the party in opposition is preparing for an EC policy in the style of Hjortnaes.

If the purpose is to block a compromise on a joint EC fishing policy, accusing the foreign minister of weakening the Danish position in the final minutes of the negotiations is a strange way of going about it. In fact, he would have neglected his duty if he had not informed the EC Committee of the legal situation facing Danish fishing if the EC is without a fishing policy at the beginning of the new year. Examining the foreseeable consequences of a decision is part of the groundwork in the decision-making process. An appraisal of the legal consequences can reveal nothing to outsiders. Instead of shying away from this report as if it were leprous, it could be expected that the EC Committee would have pressed the foreign minister to present more papers on the economic consequences of the various scenarios and the political consequences in other areas of the EC if Denmark were to shoot down the joint fishing policy. There has been too little rather than too much said about the basis on which the government will make a final decision after all these years of negotiations on a permanent policy to replace the temporary arrangements.

In any case, the public has been given the impression that it is the strong interest groups of the fishing industry that have determined Danish policies in recent years. Obviously, the industry must be allowed to offer advice at all times, but it is the main advisor and nothing more. It is the treaty obligation of the Danish government and it is in the government's political interest to work toward a joint fishing policy, but it never can present a compromise that would be acceptable to the organizations of the fishing industry

because they are fundamentally opposed to a fishing policy. They want fishing to be totally free, with regulations only for endangered species. There is a conflict between the country's political interest in producing a joint fishing policy and the industry's interest in preventing one. It is the task of the government to show the EC Committee what effect 10,000 tons of mackerel will have on the balance between these two interests.

9336

CSO: 5200/2504

AGREEMENT BETWEEN DENMARK, FRG AVERTS GREENLAND COD WAR

Copenhagen BERLINGSKE TIDENDE in Danish 4 Nov 82 p 1

[Article by Michael Ehrenreich]

[Text] The danger of a cod war with the West Germans in the waters off the western coast of Greenland has been averted by an agreement between Foreign Minister Uffe Ellemann-Jensen and his West German counterpart Hans-Dietrich Genscher and the West German Agriculture Minister Josef Ertl. The agreement is seen as satisfactory by Greenland.

The basis of the agreement is that the temporary arrangement between the two countries will be extended through the remainder of this year. According to the arrangement, the West Germans have the right to fish 5,000 tons of cod by 1 November. In return, the West Germans have accepted a quota of 62,000 tons for the total cod catch off western Greenland this year. The EC Commission originally proposed a quota of 75,000 tons.

Since the negotiations began last September, Denmark has stressed on Greenland's behalf that the quota should be as low as 62,000 tons in order to maintain the population.

"Since the first agreement was reached in mid-September the West Germans have caught only 1,000 tons of cod off the western coast of Greenland. Now they may continue fishing the remainder of the year, but only within the framework of the first agreement involving 5,000 tons," Foreign Minister Uffe Elleman-Jensen said.

The new agreement was favorably received by the chairman of the National Administration of Greenland, Jonathan Motzfeldt. The agreement has been approved by both the Danish and the West German governments.

9336
CSO: 5200/2504

FOREIGN MINISTER BACKS PROPOSAL TO GET ZONE LIMITS WIDENED

Reykjavik MORGUNBLADID in Icelandic 19 Nov 82 p 18

[Text] Petur Sigurdsson (IP) spoke yesterday in favor of a bill which he is proposing along with Eyjolfur Konrad Jonsson (IP), concerning the seabed rights exercised by Iceland over the Reykjanes ridge area. The bill would enable the government to take immediate steps to ensure the unequivocal rights to the seabed on the Reykjanes ridge and its adjacent cliffs, which Iceland claims according to Article 76 of the United Nations Law of the Sea.

Petur Sigurdsson (IP) said, among other things, that the extension of our fishing jurisdiction to 4 nautical miles, then to 12, then 50 and finally in one great leap in 1976 to 200 nautical miles, has been very fortuitous for us as a small nation struggling for our welfare and economic independence. The Jan Mayen agreement, the proposal for a parliamentary decision recently presented by Eyjolfur Konrad Jonsson concerning Icelandic rights to the Rockall area, and now this bill on ocean bed rights on the Reykjanes ridge, are continuations of these steps forward in the law of the sea field.

Sigurdsson said that the United Nations Law of the Sea agreements grants rights to the Icelanders over the seabed on the Reykjanes ridge and any possible natural resources there, as far as 350 miles out from the specified measuring point; but that right needs to be pursued, according to the stipulations of the agreement, by a pooling of resources and litigation preparations. These rights extend to all conceivable natural resources which can be found in the sediments of the ocean bed, as well as living things which do not move without touching the bottom. This means that the geothermal heat generated on the Reykjanes ridge belongs to Iceland, as well as possible mineral ores which might appear in the case of undersea rifts or folding caused by extreme temperature. These rights of jurisdiction also affect the management of fisheries at the sea floor level, and one hardly needs to be reminded of the irresponsible depletion on the part of the Russians in the ocean perch shoals on the Reykjanes ridge.

Foreign Minister Olafur Johannesson said that Iceland should make a case for these rights, according to Article 76 of the Law of the Sea agreement, both on the Rockall shelf (as described in Eyjolfur Konrad Jonsson's bill) and on the Reykjanes ridge. He explained that nations with coastlines ought to present

their legally-supported claims to those rights involved here to the international committee within ten years of the effective date of the Law of the Sea agreement. The minister added that the parliamentary committee working on this issue had consulted with U.N. ambassador Hans G. Andersen, whose speaking up on Iceland's behalf when the appropriate article of the agreement had been drawn up had much to do with our progress in this matter.

Eyjolfur Konrad Jonsson (IP) referred to Gudmundur Palmason, who has been one of a number of scholars to study this matter from a geological standpoint. Palmason is of the unequivocal opinion that the Reykjanes ridge is a part of Iceland's land mass, a natural extension of the country. He said that the Soviets, in the negotiations on this matter, had come to the understanding that the rights should extend to 150 miles from the 200-mile limits (that is, to 350 miles); and the ambassador's statements on the matter, referred to by the minister, had been based on the same understanding. Jonsson was, therefore, gratified that the parliamentary committee had consulted Hans G. Andersen about the matter, and he emphasized the importance of preserving Icelandic resources in this arena.

Petur Sigurdsson was grateful for the good reception accorded the proposal. He said that "a switch in time saves nine" and that we must prepare this matter well and carefully.

9584

CSO: 5200/2505

END